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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/023,146	02/12/98	SANDHU	G 3369US (91-36

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MMC1/0615

EXAMINER

DANG, T

ART UNIT	PAPER NUMBER
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2823

DATE MAILED:

06/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/023,146

Applicant(s)  
Sandhu

Examiner  
Trung Dang

Art Unit  
2823



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 20, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 21
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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1. Claims 48-50 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original filed specification discloses a layer of tungsten silicide  $WSi_x$ , wherein the value of  $x$  is undefined. Claims 48-50 now recite a layer of tungsten silicide  $WSi_2$ , i.e., the value of  $x$  is now defined as having a value of 2. Such is never disclosed in the specification, hence the claimed limitation  $WSi_2$  is unsupported by the specification. This is a new matter rejection.

2. Claims 1-47 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The limitation "tungsten silicide" recited in all of independent claims is a broad limitation, encompassing all forms of silicides of tungsten. To make and/or use the invention one must refer to the specification for the definition of the claimed

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tungsten silicide. However, all that is disclosed in the specification is a tungsten silicide films characterized by the formula  $WSi_x$ . Thus, without defining or specifying numerical values of  $x$ , one cannot determine the final product so that the invention can be practiced. Would it be  $WSi$ ,  $WSi_{1.2}$ ,  $WSi_{1.5}$ ,  $WSi_2$ , or any amount of Si in the tungsten silicide film? The desired stoichiometry of a tungsten silicide film having a general formula  $WSi_x$  is known to depend largely on the deposition conditions such as active gases flow rates, deposition temperature, etc., and the resulted silicide film possesses different electrical characteristic. Two references cited in the parent case SN 08/506952 make it evident that the deposition of  $WSi_x$  where  $x$  is between 2.0 and 4.0 (see Brors, U.S. Pat. 4,851,295) and where  $x$  is between 0.01 and 0.1 (see Ohba, U.S. Pat. 4,902,645) requires totally different deposition conditions. Thus, in order to form a  $WSi_x$  which encompasses all forms of tungsten silicide, one having ordinary skill in the art would necessarily perform tremendous undue experimentations. The specification, therefore, does not contain a written description of the invention in a full, clear, and concise manner as required by the first paragraph of 35 U.S.C § 112.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The rejection is maintained as of record and is repeated herein.

Claims 1, 2, 4, 5, 8, 9, 12-19, 21, and 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawanishi et al. (English translation of JP-39528, cited by applicant) taken with Price et al.

Kawanishi teaches a process for depositing a tungsten silicide film on a substrate which comprises the steps of: forming a nucleation layer of tungsten silicide ( $\text{WSi}_2$ ) on the substrate using a CVD process with silane ( $\text{SiH}_4$ ) silicon source gas and a reactant gas of tungsten hexafluoride ( $\text{WF}_6$ ) at a temperature of  $360^\circ\text{C}$ ; depositing a  $\text{WSi}_2$  film on the nucleation layer by CVD using dichlorosilane

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( $\text{SiH}_2\text{Cl}_2$ ) silicon source gas and  $\text{WF}_6$  reactant gas at a temperature of  $680^\circ\text{C}$ . See pages 6-7.

The difference between Kawanishi and the claims is in the deposition temperature of which the  $\text{WSi}_2$  film is deposited using  $\text{SiH}_2\text{Cl}_2$  and  $\text{WF}_6$ .

However, Price et al. teaches that once a nucleation layer of tungsten disilicide was formed by initiating a plasma discharge in a short time, tungsten disilicide ( $\text{WSi}_2$ ) can be deposited by CVD from a mixture of  $\text{SiH}_2\text{Cl}_2$  and  $\text{WF}_6$  at a temperature in a range of  $390\text{-}400^\circ\text{C}$  without the presence of plasma. See col. 6, lines 53-54 in conjunction with col. 5, lines 54-68; col. 9, lines 1-12, and Fig. 6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kawanishi's teachings by depositing the  $\text{WSi}_2$  film on the nucleation layer at a temperature in a range of  $390\text{-}400^\circ\text{C}$  because of the followings:

a) It is known that once a temperature above the dissociation temperature of reactive gases (critical temperature  $T_c$ ) is reached, the deposition rate varies gradually with temperature change hence the control of temperature is not critical for film thickness control so long as a minimum deposition temperature is exceeded.

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See Price col. 5, lines 66-68; col. 6, lines 20-27. Thus, one skill in the art would find it obvious to deposit the  $\text{WSi}_2$  film of Kawanishi at the temperature range suggested by Price because lower temperature deposition would be beneficial in that thermal budget is reduced while assuring substantially the same deposition characteristics (e.g. temperature/deposition rate independency, film thickness uniformity) as the film is deposited at  $680^\circ\text{C}$ .

b) It is known, as shown in Price that once a nucleation layer of tungsten disilicide was formed by initiating a plasma discharge in a short time, a  $\text{WSi}_2$  film can be deposited in a range of  $390\text{-}400^\circ\text{C}$  with a rapid deposition rate and a good uniformity without the presence of plasma (col. 9, lines 1-20). Thus, it would have been obvious that, in the process of Kawanishi, once a nucleation layer has been formed, a  $\text{WSi}_2$  film can be deposited at a temperature range of  $390\text{-}400^\circ\text{C}$  as suggested by Price because the application of an old process to make the same would have been within the level of an artisan.

As for claim 14, the Examiner takes official notice that Argon, Nitrogen, or Helium is known individually as a carrier gas. Since each member of the claimed

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mixture is known individually as a carrier gas, one of ordinary skill in the art would expect such mixture to function as a carrier gas in an additive or cumulative manner.

As for claims 13, 15 and 49, the selection of deposition time and/or flow rates of reactive gases is not inventive since it has been held that discovery an optimum value of a result effective variable involves only routine skilled in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

As for claims 16 and 17, the combined rejection meets the claimed limitation in that 360°C is considered substantially equivalent to 390°C.

4. Claims 3, 6, 7, 10, 11, 20, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawanishi taken with Price as applied to claims 1, 2, 4, 5, 8, 9, 12-19, 21, and 48-50 above, and further in view of Brors et al. (U.S. Pat. 4,565,157 cited by applicant).

The rejection is maintained as of record and is repeated herein.

The combination of Kawanishi and Price teaches a process as noted above with the exception that the references do not specifically mention that the WSi<sub>2</sub> film is deposited using a cold wall CVD system as claimed, although Kawanishi does



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suggest that any existing CVD apparatus can be used with the same effect (page 11, lines 13-15).

Brors teaches that deposition of  $\text{WSi}_2$  using a cold wall CVD system with premix chambers is advantageous over conventional hot wall CVD system in that a deposited film with high quality and uniformity can be obtained. See line 53 of col. 2 to line 32 of col. 3; col. 4, lines 45-68; col. 7, lines 1-40.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have deposited the  $\text{WSi}_2$  film using the cold wall CVD system as suggested by Brors because doing such would obtain a film with high quality and uniformity.

As for claims 6 and 22, the Examiner takes official notice that a carrier gas is conventionally used in the deposition of tungsten silicide. Also see col. 4, lines 45-50 in Brors for the mixing of a silicon source gas, a reactant gas, and a carrier gas in a mixing chamber 28.

As for claims 7 and 23, the selection of a flow rate as claimed is not inventive since it has been held that discovery an optimum value of a result effective

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variable involves only routine skilled in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

5. Applicant's arguments filed 4-20-01 (paper No. 20) have been fully considered but they are not persuasive.

With respect to the new matter rejection of newly added claims 48-50, applicant states that support for claims 48-50 are found in the specification of the original application. The Examiner disagrees for the same reason stated in the present rejection.

For the remaining issues argued by applicant, the Examiner disagrees for the same reasons stated in the previous Office action, and all of the previous Examiner's responses to applicant's arguments are incorporated herein.

6. All claims are drawn to the same invention claimed in the parent application prior to the filing of this Continued Prosecution Application under 37 CFR 1.53(d) and could have been finally rejected on the grounds and art of record in the next Office action. Accordingly, **THIS ACTION IS MADE FINAL** even though it is

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a first action after the filing under 37 CFR 1.53(d). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

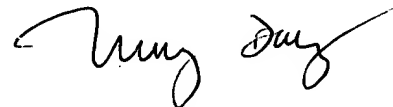
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trung Dang whose telephone number is (703) 308-2548. The examiner can normally be reached on weekdays from 8:30AM to 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy, can be reached on (703) 308-4918. The fax phone number for this Group is (703) 305-3432 or (703) 308-7725.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Trung Dang  
Primary Examiner